

TN RE: PETITION FOR ADMIN. VARIANCE
N/S Poplar Road, 2,661' N of
the c/l of Riverside Drive
(350 Poplar Road)
15th Election District
7th Councilmanic District

Roy B. Smith, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-268-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 350 Poplar Road, located in the vicinity of Mace Avenue in Essex. The Petition was filed by the owners of the property, Roy B. Smith, Jr., and his wife, Barbara C. Smith. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5'7" in lieu of the minimum required 10' for a proposed 8' x 16' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance

ORDER RECEIVED FOR FILING
Date 1/15/97
By [Signature]

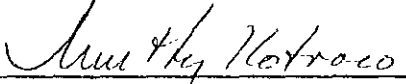
MICROFILMED

with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5'7" in lieu of the minimum required 10' for a proposed 8' x 16' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/14/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Mr. & Mrs. Roy B. Smith, Jr.
350 Poplar Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Poplar Road, 2,661' N of the c/l of Riverside Drive
(350 Poplar Road)
15th Election District - 7th Councilmanic District
Roy B. Smith, Jr., et ux - Petitioners
Case No. 97-268-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

350 Poplar Rd. Balto., Md. 21221

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 (BCZR)

To permit a side yard setback of 5 ft., 7 ins. in lieu of the required 10 ft. for the proposed addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) My father has heart problems & Parkinson's disease. It is inevitable that he will become a

permanent resident at our home in the future. Meanwhile as he visits it is a struggle for him to get to the
throom that is on the second floor, just as it is when he needs to stay over when he is not feeling his best. We are also a
family of 5, children 1, 9, & 12 years of age. It would be a convenience to have a second bathroom while one is in use and also
1 wife and 1 work swing shifts and often wake the other and 1 or all the children as we are getting ready for work or
waking after we have returned.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Mr. Roy B. Smith Jr.

(Type or Print Name)

Mr. Roy B. Smith Jr.

Signature

Mrs. Barbara C. Smith

(Type or Print Name)

Mrs. Barbara C. Smith

Signature

350 Poplar Rd. (410) 391-4476

Address

Phone No

Baltimore, Md. 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T. DATE: 12-20-96

ESTIMATED POSTING DATE:



Printed with Soybean Ink
on Recycled Paper

ITEM #: 268

ORDER RECEIVED FOR FILING
Date 12/14/96
By [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 350 Poplar Road
address
Baltimore, Md. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We would like to have a bathroom installed on the first floor of our home for the following reasons: My father has heart problems and has been diagnosed with having Parkinsons disease. It is inevitable that in the future he will become a permanent resident at our home. Meanwhile when he does visit it is a struggle for him to use the bathroom that is on the second floor, just as it is when he needs to stay overnight for several days at a time when he is not feeling his best. We are also a family of 5 with children 1, 9 & 12 years of age. Not only would it be a convenience to have a 2nd bathroom while one is in use, but also my wife and I both work swing shift and often wake the other and 1 or all the children by using the bathroom as we get ready for work or showering after we have returned.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mr. Roy B. Smith Jr.
(signature)
Mr. Roy B. Smith Jr.
(type or print name)



Mrs Barbara C. Smith
(signature)
Mrs. Barbara C. Smith
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of October, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Roy B. Smith, Jr & Barbara C. Smith

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 16, 1996
date

Kathleen P. Hoefler
NOTARY PUBLIC

My Commission Expires: **MY COMMISSION EXPIRES MARCH 1, 1997**

Zoning Description

Zoning Description For 350 Poplar Road

Beginning at a point on North side of Poplar Road which is 50 Feet wide at the distance of 2661.4 Feet North and 64 Degrees West of the centerline of the nearest improved intersecting street Riverside Road which is 50 Feet wide *Being lot #73, Block # F in the subdivision of Back River Highlands as recorded in Baltimore County Plat Book # 0 Folio # 64, containing 10,000 sq. Ft. Also known as 350 Poplar road and located in the 15 Election District, 5th Councilmanic.

Roy & Barbara Smith Jr.
350 Poplar Road
Baltimore, MD. 21221

Item #268

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№ 02957

AMOUNT \$ 50.00

FOR: 010 - RESIDENTIAL VARIANCE
350 POPLAR RD.

CERTIFICATE OF POSTING

RE: Case No.: 97-268-A

Petitioner/Developer: _____

Roy B. Smith

Date of Hearing/Closing: 1-13-97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 350 Poplar Road

BALTIMORE, MARYLAND 21221

The sign(s) were posted on 12-27-96
(Month, Day, Year)

Sincerely,

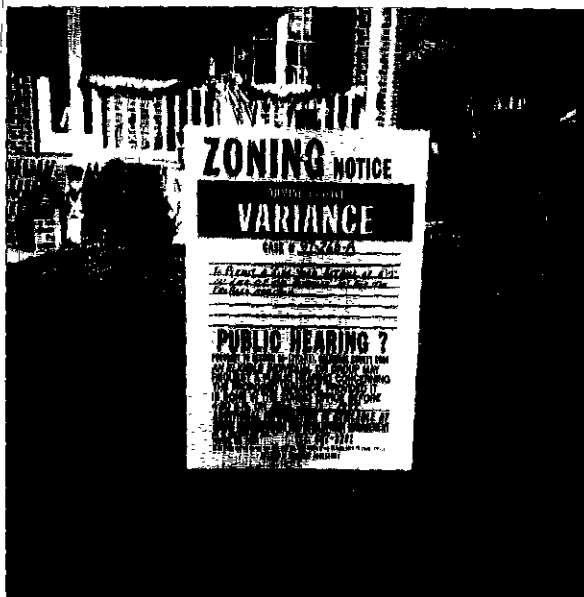
Thomas P. Ogle, Sr. 12/27/96
(Signature of Sign Poster and Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

BALTIMORE, MD 21221
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 12-29-96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-268 A

To permit a side yard setback of 5'-7"
in lieu of the required 10' for the
proposed addition -

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

1-13-97

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 7, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-268-A (Item 268)
350 Poplar Road
N/S Poplar Road, 2661.4' +/- N of c/l Riverside Road
15th Election District - 7th Councilmanic
Post by Date: 12/29/96
Closing Date: 01/13/97



Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Roy and Barbara Smith



Printed with Soybean Ink
on Recycled Paper

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Date: January 3, 1997

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for January 6, 1997
Item Nos. 258, 259, 261, 262,
263, 265, 267, 268

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:jrb

cc: File

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: December 30, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 258, 259, 261, 263, 267, 268, and 269

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 30, 96

DATE: 12/31/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

258

259

260

261

263

265

266

268

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12,31,94
Item No. 268 (RT)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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ZONING

HEARING CHECKLIST

REVISED 8/11/95

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the relief you have requested is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. Either the zoning commissioner or the deputy zoning commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the BCZR.

Fourth: No employee of Department of Permits and Development Management (PDM) may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the zoning commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:



Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204
Telephone: (410) 887-3391

INDIVIDUAL RESIDENTIAL LOTS

Variances
Special Hearings

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AUTHORITY & PETITIONER'S BURDEN

All requests for residential lot variances and special hearings are handled by the Department of Permits and Development Management (PDM). Applications are obtained from and filed with the Zoning Review Section of PDM, and all hearings are scheduled before the zoning commissioner. The enabling legislation that provides the zoning commissioner with the authority is located in Sections 307 & 500 of the BCZR. The zoning commissioner is the sole interpreter of the BCZR.

Variances:

Under the authority of Section 307, BCZR, the zoning commissioner has the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases:

- a. Where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 1. "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.
 2. To provide practical difficulty for an area variance, the following criteria must be met:
 - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
 - (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
 - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- b. No increase in residential density beyond that allowed by the BCZR shall be permitted;
- c. In strict harmony with the spirit and intent of height, area, off-street parking, or sign regulations;
- d. And only in such manner as to grant relief without substantial injury to public health, safety and general welfare.

Special Hearings:

Under the authority of BCZR Section 500.6, the zoning commissioner has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order regarding this matter.

Under the authority of BCZR Section 500.7, any person can petition the zoning commissioner to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the BCZR.

PLEASE READ THIS CHECKLIST CAREFULLY AND COMPLY WITH ALL REQUIREMENTS!

In Order to File or Revise Your Petition

When you have completed the following steps,
CALL 887-3391
to make an appointment.

**DUE TO THE EXACTING REVIEW NECESSARY FOR PETITION FILING,
PETITIONS OR REVISIONS WILL NOT BE PROCESSED OR
ACCEPTED IF THEY ARE JUST DELIVERED OR MAILED.
YOU MUST MAKE AN APPOINTMENT!**

Application Procedure:

A zoning hearing can only grant relief from BCZR, you must contact other County/State agencies to determine if your plat meets their requirements!

Normally before granting any relief, the zoning commissioner shall require advertising and posting of the property and shall hold a public hearing. All orders of the zoning commissioner shall contain a finding of fact specifying the reason or reasons for granting or denying each request.

The normal time period from time of filing a petition until the time of receipt of the written order is somewhere between 100 and 120 days. Also, in addition to filing fees, costs are incurred for posting the property and advertising the hearing in area newspapers.

In an effort to save the individual Baltimore County homeowner time and money, effective March 30, 1990, an administrative variance procedure for an OWNER OCCUPIED RESIDENTIAL ZONED LOT has been established pursuant to Section 22-26(b)1, Baltimore County Code. This procedure may not require newspaper advertising or a public hearing and, as such, the overall time period from the date of filing to written order will diminish by as much as one-half, as well as a cost savings ranging from \$100.00 to \$150.00.

Who May Use This Administrative Procedure:*

1. Home owner of a single family residential lot
2. Contract purchaser of a single family residential lot

*The above parties only upon submission of a notarized affidavit attesting to the fact that they do now live or will, upon purchase, reside at said property.

Who May Not Use This Administrative Procedure:

1. Petitioners filing a residential variance in combination with a special hearing and/or special exception.
2. Petitioners filing non-residential variances.
3. A builder or developer requesting variance(s) for lot(s).
4. Vacant lots for homes to be built by either individuals or developers are not eligible per Section 22-26(b).1 (BCZR).

At the time of filing, petitioners will pay the filing and posting costs. The property will be posted by county personnel and MUST THEN REMAIN VISIBLE ON THE PROPERTY FOR A PERIOD OF 15 DAYS. If a formal protest is not filed with Zoning Review by someone located within 1,000 feet of the property line during the posting period, the administrative procedure may continue. Outside of the 1,000 feet, a challenge is honored at the discretion of the zoning commissioner. The challenge fee is \$40.00 and is paid by the challenging neighbor. The petitioner may remove the sign on the 16th day. The petitioner is responsible for returning the sign to PDM, room 111, on the day of the hearing or after the closing date. Failure to return the sign will result in a \$60.00 charge.

If, however, a protest is filed and/or if the zoning commissioner, at his discretion decides there is a need, this matter will leave the administrative process, necessitating advertising, re-posting, and a public hearing. In such cases, the petitioner will receive written notice that a hearing will be scheduled. The time frame and costs will then be on the level as stated in the paragraphs one and two. Petitioners will receive notification of these fees by mail. The additional charges should be paid by mail upon receipt of the statement, but no later than the date of the hearing.

Zoning petitions may be filed with PDM, Zoning Review, only by appointment between the hours of 8:00 a.m. and 4:00 p.m. on forms furnished by this office. All information on the forms must be typed or printed and they must be signed by the legal owner(s), with the address, zip code and work and home telephone numbers provided. While the planner will assist the petitioner in interpreting those provisions of the BCZR applicable to the particular case, the final wording of the request and other information submitted, as set forth in the application, shall be the responsibility of the petitioner(s).

The Application Must Contain:

1. Three (3) copies of petition, typed or printed, with original signatures and applicable information on each copy (home and work telephone numbers included) -- See Example #1.
2. Twelve (12) copies of the plat with information as indicated on checklist -- See Example #2.
3. Three (3) copies of the property description -- See Example #3.
4. One (1) copy of the official zoning map, 200' scale with property outlined as shown -- See Example #4. (Map is available from PDM, room 111; note map number on the copy.) For properties in the 12th and 15th election districts, one (1) copy of the 1986 topographical map. (Map is available from Engineering, room 206.)
5. One (1) completed copy of the advertising and posting requirements and procedures form -- See last page of this checklist.
6. Filing Fees: The following fees are subject to change. Contact Zoning Review (887-3391) to confirm the proper fees.
Variance or special hearing - \$50.00 filing fee and \$35.00 per sign, payable at the time of petition filing. Newspaper will mail bill to individual indicated on the advertising and posting form for applicable legal newspaper advertising. An additional \$50.00 is required for an amendment to a final development plan (required for any lots which are indicated on an approved zoning final development plan).
7. Undersized building lots will require additional information (building plans, elevation drawings, photographs, and topography map) to determine design compatibility (BCZR Section 304.2).

Administrative Variance Must Contain:

1. All requirements of item #1 through #6 above.
2. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners reside or, upon purchase, will reside at the property.
3. Filing Fees: The following fees are subject to change. Contact Zoning Review (887-3391) to confirm the proper fees.
Administrative variance - \$85.00 (\$50.00 filing fee and \$35.00 per sign), payable at the time of petition filing. An additional \$50.00 is required for an amendment to a final development plan (required for any lots which are indicated on an approved zoning final development plan).
4. One (1) copy of the aerial photo with the property outlined (map available from Engineering, room 206).
5. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes.

RM 2062 need

The first blank section of the petition form which requests the section of the BCZR may be left open until the filing appointment. The planner will assist the petitioner in interpreting the provisions of the BCZR applicable to their particular case. However, the final wording of the request and all other documents submitted shall be the responsibility of the petitioner.

Chesapeake Bay Critical Area Requirements:

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA) and 100 year floodplain. (Map is available for review at Zoning Review, room 111 or room 311.) If the site is located in this area, the petitioner is required to meet critical area requirements. PDM must have the Department of Environmental Protection and Resource Management (DEPRM) comments concerning the request prior to holding a public hearing or making a decision on an administrative variance. It is recommended that the petitioner hand-deliver an extra copy of the plat and zoning item number to DEPRM to speed up the review process.

Review Agencies:

Prior to preparing the required plan, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

- | | |
|---|----------|
| 1. Tax Assessments..... | 321-2272 |
| 2. Public Services..... | 887-3321 |
| 3. Bureau of Capital Projects (for traffic issues)..... | 887-3751 |
| 4. Fire Department..... | 887-3998 |
| 5. State Highway Administration..... | 333-1350 |
| 6. County Roads..... | 887-3739 |
| 7. Planning (design, screening, landscaping)..... | 887-3211 |
| 8. Building Engineer (plans)..... | 887-3987 |
| 9. Department of Environmental Protection
and Resource Management (DEPRM)..... | 887-3980 |

Zoning Advisory Committee (ZAC):

- A. The above information is to be used, in part, as a guide by members of ZAC.
- B. ZAC, as established by the County Administrative Officer in 1963, presently consists ten (10) representatives of various County agencies. The Committee reviews zoning petitions weekly.
- C. The review by ZAC is aimed, not at making a judgment in the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

EXAMPLE 1 -- Applications

3 ORIGINALS OF THE APPROPRIATE FORM



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _____

This Petition shall be filed with the Office of Zoning Administration. The undersigned, legal owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Special Hearing in determining whether or not the Zoning Commissioner should apply



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at _____

which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) _____

to Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

That the information herein given is within the personal knowledge of the affiant and is true and correct in all particulars.

That the Affiant(s) do(es) presently reside at _____

That based upon personal knowledge, the following are the facts upon which the Affiant(s) believe that a Variance is warranted:

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to provide additional information.

Subscribed and sworn to before me this _____ day of _____, 19____.

STATE OF MARYLAND AND COUNTY OF BALTIMORE, to-wit:

CHERIE M. UTASKEY, this _____ day of _____, 19____, County Clerk of Maryland, in and for the County aforesaid, personally appeared _____

the Affiant(s) person, personally known or satisfactorily identified to me, that the contents and facts hereinabove set forth are true and correct to all intents and purposes.

AS WITNESS my hand and Official Seal.

_____, My Comm.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _____

which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) _____

↑ LEAVE BLANK, IF YOU NEED ASSISTANCE WITH SECTION NUMBER OR WORDING ↓

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

LIST REASON(S) THE ZONING REGULATIONS CANNOT BE MET ON YOUR PROPERTY:

1. _____
2. _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

* ONLY IF YOU ARE A CONTRACT PURCHASER, FILL OUT THIS SECTION

Contract Purchase Price: _____

* Type of Building: _____

* Estimated Value: _____

* Estimated Cost: _____

* Estimated Profit: _____

* Estimated Loss: _____

* Estimated Gain: _____

* Estimated Total: _____

* Estimated Net: _____

* Estimated Gross: _____

* Estimated Total: _____

* Estimated Net: _____

* Estimated Gross: _____

* Estimated Total: _____

* Estimated Net: _____

* Estimated Gross: _____

* Estimated Total: _____

* Estimated Net: _____

Offer an affidavit signed and sworn under the penalties of perjury that the above is the true and correct statement of the facts, and is the basis of the petition.

Legal Owner(s)

✓ MR. LEGAL A. OWNER

✓ Legal A. Owner

✓ MRS. LEGAL A. OWNER

✓ Legal A. Owner

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

✓ _____

RECEIVED BY DATE

ITEM #

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 350 Poplar Road
(address)

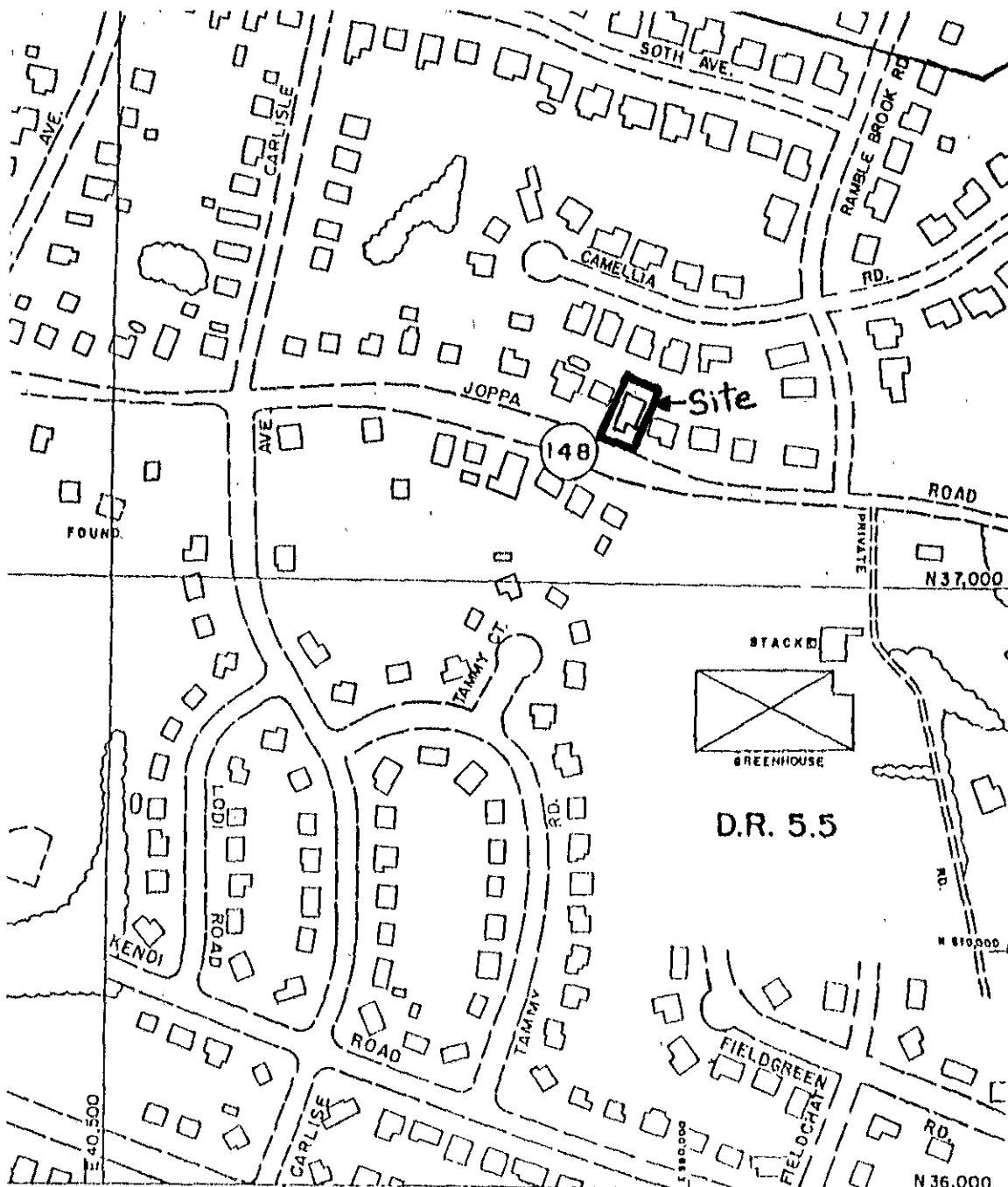
Beginning at a point on the North side of
(north, south, east or west)
Poplar Road which is 50 feet wide
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 2661.4 feet North 64 degrees West
(number of feet) (north, south, east or west) of the
centerline of the nearest improved intersecting street Riverside Road
(name of street)
which is 50 feet wide wide. *Being Lot # 73
(number of feet of right-of-way width)
Block F, Section # F in the subdivision of Back River Highlands
(name of subdivision)
as recorded in Baltimore County Plat Book # 0, Folio # 64,
containing 10,000 Sq. feet Also known as 350 Poplar Road
(square feet or acres) (property address)
and located in the 15 Election District, 13 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

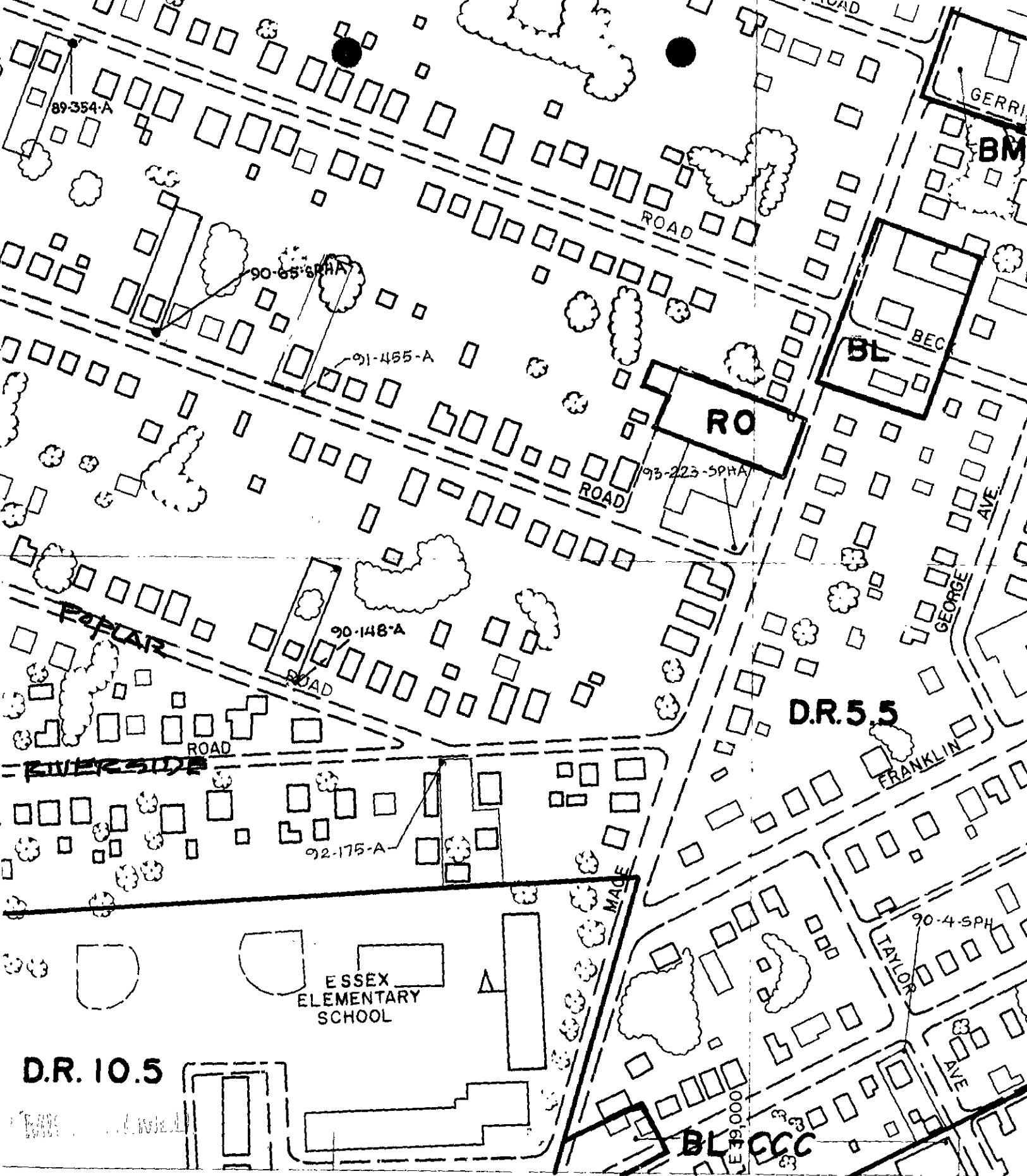
Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

EXAMPLE 4 -- Zoning Map

1 COPY

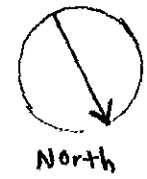
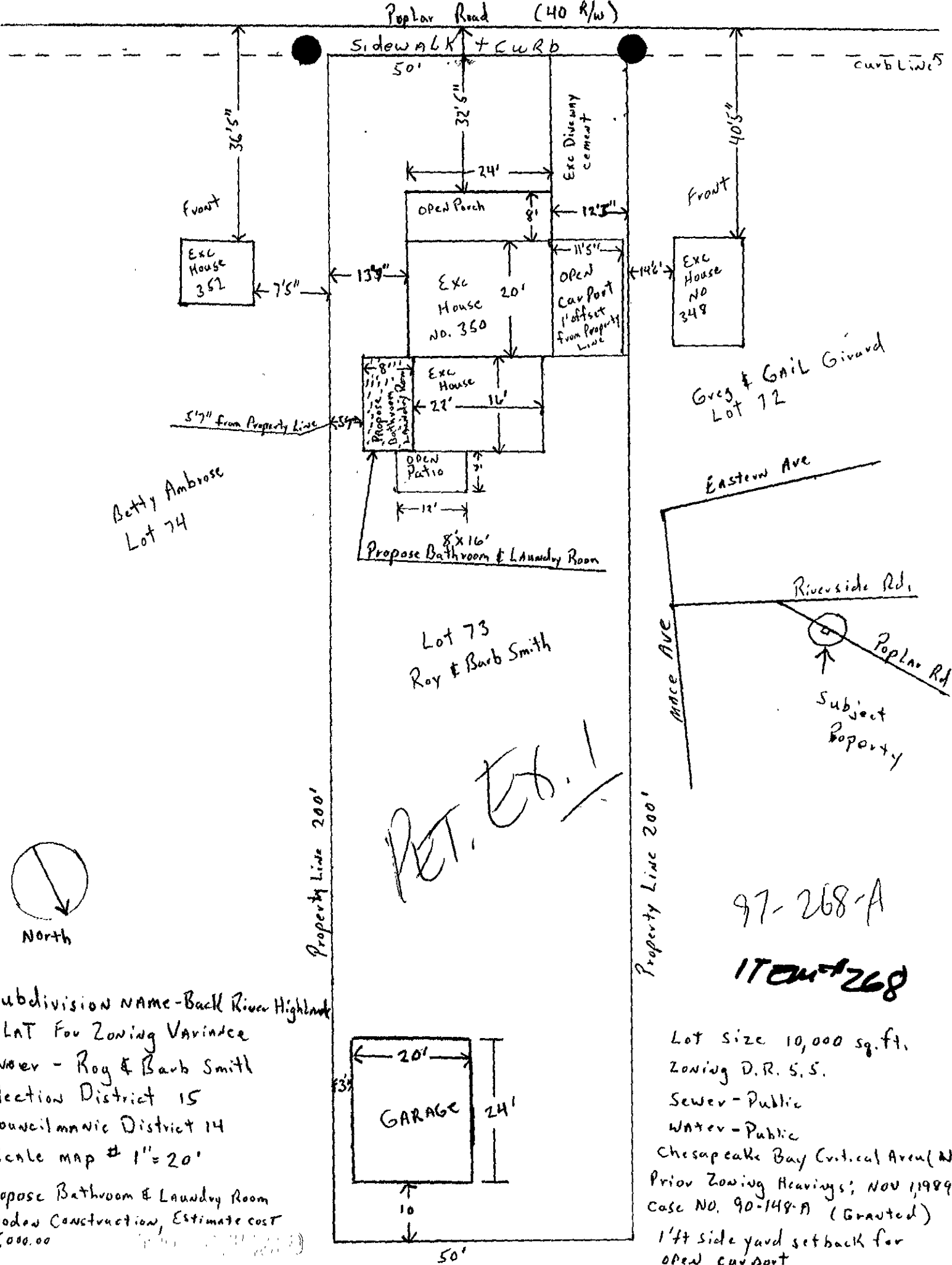


SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		10 - G



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ITEM # 268

BALTIMORE COUNTY OFFICE OF PLANNING AND



Subdivision NAME-Back River Highlands
 PLAT For Zoning Variance
 Owner - Roy & Barb Smith
 Election District 15
 Councilmanic District 14
 Scale map # 1" = 20'

Propose Bathroom & Laundry Room
 Wooden Construction, Estimate cost
 \$5,000.00

Lot Size 10,000 sq. ft.
 Zoning D.R. S.S.
 Sewer - Public
 Water - Public
 Chesapeake Bay Critical Area (NO)
 Prior Zoning Hearings; NOV 1, 1989
 Case NO. 90-148-A (Granted)
 1' ft side yard setback for
 open carport









Item # 248
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MICROFILMED	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	ESSEX	2-6